

REMARKS

Applicant hereby submits this Response to the Election/Restriction notice dated May 15, 2007.

Claims 1-24 have been examined.

For a third time the Examiner has restricted claims 1-24. Applicant is frustrated and befuddled by the Examiner's recent restriction classification of the claims and the fact that the Examiner tried to contact the undersigned on a weekend day, Sunday (May 13, 2007 when the Examiner left a voice message indicating that he was sending another written restriction requirement), to request an oral election. With respect to the Examiner's call on Sunday, May 13, 2007, the undersigned notes that he is not aware of any law firm in the United States that is regularly open for business on Sunday's; nor is our firm. I believe that the Examiner intentionally called on a weekend so as not to need to confront me with another request for restriction of this patent application, because he knew that he would be clearly challenged with logic and reasoning as to why another restriction was not appropriate and all the claims should be examined together. I strenuously object to this approach.

With respect to the substantive aspects of the restriction requirement, it appears clear from the record that the Examiner is insistent on not examining all the claims together, regardless of how unreasonable that may be. Applicant now must strenuously traverse this restriction requirement and refuses to amend the claims any further because the Applicant continues to be unable to follow or agree with the Examiner's reasoning or logic for restriction. For example, in the last restriction requirement date mailed January 17, 2007, the Examiner classified claims 17 and 18 in Group I, classified in class 123, subclass, 673. In Applicant's February 20, 2007

Response and Amendment, only claims 19 and 20 were amended, claims 17 and 18 were not amended. Nor did Applicant argue about the classification of claims 17 and 18. However, in the pending restriction the Examiner appears to defy the laws of logic by now classifying claims 17 and 18 into a new Group II, classified in class 123, subclass 679. How can this be? Applicant submits that this is the best evidence of all, clearly indicating that the claims in Group I and new Group II must be examined together because not even the Examiner himself can decide which class and subclass to place the claims into. As such, regardless of which group between group I and II is selected, the Examiner will necessarily need to search both subclass 673 and 679. These are clearly related!

Applicant also notes for the record that claims 14 and 15 were not amended in the last Response either. Although, the Examiner changed the classification of these claims in this rejection, claims 14 and 15 were not amended in Applicant's last Response. Although, the Applicant did clearly argue against the Examiner's prior classification of claims 14 and 15. However, Applicant is amazed that the Examiner would try to find another class and subclass to place claims 14 and 15 into, rather than to group claims 14 and 15 into Group I. Applicant strenuously objects to the classification of claims 14 and 15 into Group II and respectfully requests that these claims be grouped into Group I, or that the Examiner admit that both class 123, subclass 673 and class 123, subclass 679 must both be searched regardless of which of Group I or Group II are elected, so that all of claim 1-18 and 21-24 are examined together. These claims are clearly related, and the Examiner's attempt to ignore the element related to the catalytic converter is untenable. Again, the Examiner's classification of claims 14 and 15 fails to make any logical sense to the Applicant.

With respect to claims 19 and 20, Applicant relies on the arguments previously provided in their February 20, 2007 Response and Amendment. These claims were amended to clearly be directed to the same invention as the claims found in Group I. It is amazing that contrary to the Applicant's statements, the Examiner has come up with yet another new classification, class 60, subclass 277, within which to classify these claims. This was not facilitated by Applicants amendments and Applicant must traverse this classification of claims 19 and 20.

Applicant notes for the record that the first Office Action including a restriction requirement for this application was mail dated September 15, 2006. The three restriction requirements have now added nine months to the prosecution of this patent application, that has a filing date of September 9, 2003. Thus, it will be four years before a first substantive examination is complete on this patent application, and at least one of the three restriction requirements, the pending restriction requirement, is unfounded and unnecessarily extending the time of prosecuting this application and eating into the patent term. Applicant respectfully objects to any further Office Actions including claim restrictions.

Applicant further incorporates herein all their additional arguments made in their February 20, 2007 response. Applicant once again notes for the record that these claim amendments are made to facilitate the Examiner's understanding that all claims are related to a single invention and that none of the claim amendments are made for reasons of patentability.

As a result of the Examiner's recent reclassification of un-amended claims into new classifications, Applicant respectfully requests reconsideration and requests that all the claims be classified in class 123, subclass 673, even though it would seem that class 60, subclass 285 is more appropriate. Although, to get at least some of the pending claims to substantive

examination sometime in the foreseeable future, Applicant is willing to accept that only claims 1-18 and 21-24 being classified in class 123, subclass 673 and/or subclass 679 and that all these claims be examined together.

As required by the rules, Applicant hereby provisionally elects one of the groups, Group I having claims 1-13, 16, and 21-24, for Examination. However, Applicant strenuously submits that Group II must be examined with Group I, and there is no additional burden on the Examiner for doing so. Finally, Applicant hopes that the Examiner will seriously consider including Claims 19 and 20 in the substantive examination because Applicant believe that the previous amendments to these claims resulted in all claims are directed to the same invention, and they should all be examined together. Regardless of the ultimate classification of these claims, as noted by Examiner Nguyen, other classes and subclasses will need to be search and considered. Therefore, there is clearly no additional burden on the Examiner for examining claims 1-24 together, and the Examiner has failed to suggest that there is.

If for any reason the Examiner believes that the present application is not now in condition for allowance, the Examiner is requested to contact the undersigned at the telephone number listed below or on my mobile telephone at 703-731-7220.

Respectfully submitted,



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